

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MARCELLOUS L. WALKER, ERIC HENDRICKSON,
DANIEL ARENDS, FREDERICK LEE PHARM,
SHERMELL TABOR, EDWIN JONES,
BRANDEN SUSTMAN and JOSHUA ROGERS,

Plaintiffs,

ORDER

07-C-675-bbc

v.

KEVIN R. HAYDEN, DHFS Secretary; and
STEVE WATTERS, SRSTC Director,

Defendants.

In this lawsuit plaintiffs Marcellous Walker, Eric Henderson, Daniel Arends, Frederick Pharm, Shermell Tabor, Edwin Jones, Branden Sustman and Joshua Rogers, who are detained at the at the Sand Ridge Secure Treatment Facility, were allowed to proceed on constitutional and state law claims against defendants Kevin Hayden and Steven Watters. Now, plaintiff Daniel Arends moves to voluntarily dismiss himself as a plaintiff in this action. His motion will be granted.

In addition, plaintiffs Marcellous Walker, Eric Hendrickson, Frederick Lee Pharm,

Shermell Tabor, Edwin Jones and Brandon Sustman move to voluntarily dismiss plaintiff Joshua Rogers. Because plaintiff Rogers has not signed the motion, I cannot dismiss him. I will give plaintiff Joshua Rogers until April 15, 2008 in which to notify the court whether he wishes to continue as a plaintiff in this action. If plaintiff Rogers fails to respond to the court by April 15, 2008, he will be dismissed as a plaintiff in this action for his failure to prosecute.

As a final matter, on March 3, 2008 plaintiffs Marcellous Walker, Shermell Tabor and Edwin Jones filed a motion to waive the requirement of having all plaintiffs sign the pleadings filed in this case. That motion will be denied. The requirement is imposed by the Federal Rules of Civil Procedure and cannot be waived by this court.

ORDER

IT IS ORDERED that

1. Plaintiffs' motion to waive the requirement that all plaintiffs sign the pleadings (Dkt #21) is DENIED.
2. Plaintiff Daniel Arends's motion to voluntarily dismiss himself as a plaintiff (Dkt. #55) is GRANTED. Plaintiffs' complaint as to the claims of plaintiff Arends is DISMISSED without prejudice to plaintiff Arends' refiling those claims at a later date,.
3. Plaintiff Joshua Rogers has until April 15, 2008 in which to notify this court

whether he wishes to continue to be a plaintiff in this action. If he fails to notify this court of his intention by April 15, 2008 he will be dismissed as a plaintiff in this case for his failure to prosecute.

Entered this 3rd day of April, 2008.

BY THE COURT:

/s/
BARBARA B. CRABB
District Judge